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RCE/3728

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# REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Address to:  
Commissioner for Patents  
Box RCE  
Washington, DC 20231

Application Number	10/003,122
Filing Date	November 14, 2001
First Named Inventor	Mike Dennis
Art Unit	3728
Examiner Name	John T. Kavanaugh
Attorney Docket Number	OAE.306(OAER.1010)

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

## 1. Submission required under 37 CFR 1.114

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on \_\_\_\_\_  
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- iii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☒ Information Disclosure Statement (IDS)
- iv. ☒ Other Test Report

## 2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other \_\_\_\_\_

## 3. Fees

 The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

- a. ☐ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 22-0258
- i. ☐ RCE fee required under 37 CFR 1.17(e)
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☒ Other Any additional Fees
- b. ☒ Check in the amount of \$ 375.00 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

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375.00 OP

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## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Robert D. Varitz	Registration No. (Attorney/Agent)	31436
Signature	<i>Robert D. Varitz</i>	Date	July 10, 2003

## CERTIFICATE OF MAILING OR TRANSMISSION

EXPRESS

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

EV 207894405

Name (Print/Type)	Robert D. Varitz	Date	July 10, 2003
Signature	<i>Robert D. Varitz</i>		

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Assistant Commissioner for Patents, Box RCE, Washington, DC 20231.

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TECHNOLOGY CENTER R3700



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of:

Attorney Docket: OAE.306 (J-OAER.1011)

Mike Dennis *et al.*

July 10, 2003

Serial No.: 10/003,122

Group #: 3728

Filed: November 14, 2001

Examiner: John T. Kavanaugh

For: Cushioning Shoe Insole

MS RCE

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

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**PRELIMINARY AMENDMENT IN SUPPORT OF RCE**  
**Introductory Comments**

This Preliminary Amendment is now filed to create an RCE patent application following final rejection, on June 3, 2003, of all claims (4-6, inclusive) in the immediate predecessor U.S. Patent Application. By this Preliminary Amendment, claims 5 and 6 are cancelled without prejudice, and claim 4 is amended.

Additionally, accompanying this Preliminary Amendment, and discussed briefly in the Remarks section hereinbelow, are photocopies of pages of an independent-laboratory test report generated in response to applicants' request for certain comparative shock-absorbing tests designed to help evaluate the observed advantageous performance of a cushioning insole made in accordance with the present invention. This two-page, paginated report is labeled "Test Report".